

## **REMARKS**

### **Status of the Application**

Claims 1-103 are all the claims pending in the Application. Claims 1-103 stand rejected.

### **Claim Objections**

The Examiner has objected to claim 22 due to a typographical error, which is corrected herein. Thus, withdrawal of the objection is respectfully requested.

### **Obviousness Rejection**

The *Office Action* rejects, under 35 U.S.C. § 103(a): (1) claims 1-4, 6-29, 31-54 and 56-103 as being unpatentable over *Loveman et al.* (US 6,211,869; hereinafter “*Loveman*”), in view of *Clarin et al.* (US 6,414,725; hereinafter “*Clarin*”); and (2) claims 5, 30 and 55 as being unpatentable over *Loveman* in view *Clarin* and a printout from *VideoUniversity.com* (hereinafter “*VideoUniversity*”). These rejections are respectfully traversed.

As an initial matter, Applicants respectfully submit that: (1) one of ordinary skill in the art at the time of the invention would not have been motivated to modify *Loveman* in view of *Clarin* as the Examiner alleges, for at least the reasons discussed in the July 20, 2004 Amendment; and (2) even if it were possible to modify *Loveman* in view of *Clarin* as the *Office Action* alleges, Applicants respectfully submit that neither reference, nor any reasonable combination thereof, teaches or suggests all of the features of independent claims 1, 22, 24, 26, 47, 49, 51, 72, 74, 76, 77 and 78. Accordingly, it is respectfully submitted that a *prima facie* case of obviousness has not been established.

Independent Claims 1, 26 and 51

Regarding independent claims 1, 26, 51, Applicants respectfully submit that the proffered combination of *Loveman* and *Clarín* fails to teach or suggest “receiving content in an initial format and reformatting the received content into content having a first format with a lower resolution, content having a second format with a higher resolution, and content having a third format with a lowest resolution.”

The *Office Action* indicates that these features are disclosed in *Loveman*. Specifically, the Examiner first alleges that col. 4, lines 28-46, col. 13, lines 14-20 and col. 14, lines 13-22 disclose receiving content in an initial format and reformatting “the received content into a first version having a first format and a second version having a second format, wherein the second version has a higher resolution than the first version” (*O.A.*, pg. 4, lines 6-10).

Thus, according to Applicants’ understanding, the *Office Action* is alleging that, for example, first encoder 712 encodes incoming video in a “first format with a lower resolution” and second encoder 716 encodes video in a “second format with a higher resolution.”

However, the *Office Action* does not cite any particular encoder as being capable of encoding “content having a third format with a lowest resolution.” Rather, the Examiner alleges that the edit station (see *O.A.*, pg. 5, line 16 - pg. 6, line 2) has:

a graphical user interface with a storyboard window, displaying a plurality of clips representing portions of the low resolution content (see column 17, line 55 - column 18, line 25). These clips, each depicted as a small rectangular object showing a frame of the corresponding low resolution content, may be selected in order to play its corresponding low resolution content (see column 18, lines 11-25; column 18, lines 47-55; and figure 11). Since these clips each show a small sample of the initial content, they are considered a format of the initial content, and since they are depicted within a smaller area than the low resolution content and

only comprise a single frame, they are understood to be of a lower resolution than the low resolution content.

Thus, according the Applicants' understanding, the Examiner is alleging that either the low resolution video shown in window 510 or the clips 532 in storyboard window 530 of user interface 500 of *Loveman* show video that is of a different resolution than the low resolution video encoded by, *e.g.*, first encoder 712. Applicants respectfully disagree, and submit that such a reading is unsupported by *Loveman*.

Specifically, *Loveman* discloses a digital multimedia system 50 that “simultaneously encodes a low resolution version and a high resolution version of multimedia data” (col. 4, lines 32-35). This system allows a user to generate “a composition using a portion of the first compressed version” of multimedia data, and play “the composition using a portion of the second compressed version that corresponds to the first compressed version” (col. 4, lines 56-60). To provide this functionality, *Loveman* discloses only two kinds of video encoders, high resolution encoders 716, 816 and low resolution encoders 710, 810 (col. 5, line 63 - col. 6, line 19; col. 7, line 38 - col. 8, line 17). *Loveman* does not disclose any type of encoder other than these two types of encoders, and it is respectfully submitted that *Loveman* provides no teaching or suggestion of encoding video in a format with a resolution other than the resolutions of the disclosed matched pair of high and low resolution data.

Turning to *Loveman*'s user interface 500 (see FIG. 11, col. 17, line 65 - col. 18, line 3), which is cited in the Office Action, a viewing window 510 is provided that “displays a low resolution video component of low resolution media data to be viewed and edited” (col. 18, lines 11-13) so that the low resolution media data can be edited (col. 18, lines 15-16). Thus, since

*Loveman* discloses only a high resolution video encoder and a low resolution video encoder, Applicants respectfully submit that the video displayed in window 510 is actually the video part (*i.e.*, component) of the low resolution media data, and therefore that the resolution of this displayed video is no different than the resolution of the low resolution media data.

Further, user interface 500 of *Loveman* also includes a storyboard window 530, which provides an area where a user can lay out a sequence of clips 532 of the low resolution video. These clips 532, which are also cited by the Examiner above, show a frame of the respective clip of the low resolution video for identification (col. 18, lines 47-52).

The *Office Action* alleges that “[s]ince these clips ... are depicted within a smaller area than the low resolution content and only comprise a single frame, they are understood to be of a lower resolution than the low resolution content.” Applicants respectfully disagree, and submit that, while clips 532 of low resolution video appear to be smaller than the low resolution video shown in window 510 in Figure 11, this appearance alone cannot support a reading of *Loveman* as teaching or suggesting that clips 532 are of different resolution than low resolution video in window 510.

As an initial matter, it is improper to rely upon a figure of a cited reference to provide support for a reading that is dependent upon the dimensions of that figure, as it has long been held that, “[w]hen the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int’l*, 222 F.3d 951, 956, USPQ2d 1487, 1491 (Fed. Cir. 2000); MPEP § 2125. Thus, to the extent that the instant rejections are based upon relative

dimensions in Figure 11 of *Loveman*, they are improper. Since *Loveman* does not disclose that the drawings are to scale and provides no dimensions for the drawings.

Second, even if Figure 11 could be read in a manner similar to that described in the *Office Action*, Applicants respectfully submit that *Loveman* still fails to disclose that the resolution of clips 532 is in any way different than that of the low resolution video. Nor does *Loveman* (or any other applied reference) teach or suggest that: (1) there is any specific correspondence between resolution and clip size when a clip is displayed on a user interface; or (2) a single frame of a clip somehow has a different resolution than the rest of the clip, as alleged by the Examiner above. Rather, these reasons given in support of the instant rejection (reproduced above) seem to be based on assumptions, rather than the citation of a specific relationship disclosed in a specific reference, and are therefore improper.

Thus, Applicants respectfully submit that *Loveman* fails to teach or suggest that: (1) the encoded low resolution video; (2) the low resolution video shown in viewing window 510 of user interface 500; and (3) the clips 532 of low resolution video in storyboard window 530 of user interface 500, are of any different resolution.

Additionally, Applicants respectfully submit that *Clarin* fails to teach or suggest the deficiencies of *Loveman*, and thus that no combination of these references teaches or suggests any video media data in a third resolution.

Independent Claims 22, 47 and 72

Regarding independent claims 22, 47 and 72, Applicants respectfully submit that the proffered combination of *Loveman* and *Clarin* fails to teach or suggest “storing content in a low

resolution format and content in a lowest resolution format in a fast access storage and storing content in a high resolution format in a high capacity storage, wherein the fast access storage is accessible more quickly than the high capacity storage,” for at least the reasons discussed above with respect to claims 1, 26 and 51.

Independent Claims 24, 49 and 74

Regarding independent claims 24, 49 and 74, Applicants respectfully submit that the proffered combination of *Loveman* and *Clarín* fails to teach or suggest “server software enabling selection of a portion of low resolution content and lowest resolution content from a first stored file in a fast access storage accessible to a server” (claim 24) or “selecting a portion of lowest resolution content and low resolution content from a first stored file in a fast access storage using a browser” (claims 49 and 74), for at least the reasons discussed above with respect to claims 1, 26 and 51.

Independent Claims 76, 77 and 78

Regarding independent claims 76, 77 and 78, Applicants respectfully submit that the proffered combination of *Loveman* and *Clarín* fails to teach or suggest “receiving content in an initial format and reformatting the received content into three content formats, each having a different resolution,” for at least the reasons discussed above with respect to claims 1, 26 and 51.

Accordingly, Applicants respectfully submit that independent claims 1, 22, 24, 26, 47, 49, 51, 72, 74, 76, 77, and 78 are patentable over the applied reference. Further, Applicants respectfully submit that rejected dependent claims 2-21, 23, 25, 27-46, 48, 50, 52-71, 73 and 75 are allowable at least by virtue of their dependency.

Amendment Under 37 C.F.R. § 1.116  
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Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-103 are allowable.  
Thus, it is respectfully submitted that the application now is in condition for allowance with all  
of the claims 1-103.

If any points remain in issue which the Examiner feels may be best resolved through a  
personal or telephone interview, the Examiner is kindly requested to contact the undersigned at  
the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this  
application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



Timothy P. Cremen  
Registration No. 50,855

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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